

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47855 of 2024

Arising Out of PS. Case No.-335 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

Gufran Alam @ Gufran Son of Late Samiruddin @ Saniroddin Resident of
Vill- Baghmara P.S.- Kochadhaman, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2024 Heard Mr. Ram Prawesh Kumar, learned counsel

for the petitioner and Mrs. Nirmala Kumari, learned APP for the

State.

2. The petitioner is apprehending his arrest connection with Kochadhaman P.S. Case No. 335 of 2021, F.I.R. dated 11.12.2021 registered for the offences punishable under Sections 341, 323, 325, 307, 379, 427, 504, 506/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he assaulted the informant with *farsha* due to which he sustained injury.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and



although there is specific allegation against the petitioner that he assaulted the informant but there is no repetition of blow and there is no intention to kill the informant. He further submit that the informant has received injury and the injury report suggests that the injury is grievous in nature but the injury inflicted upon the informant is not on the vital part of the body of the informant and the injury received on his hand.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the injury received by the informant is not on the vital part of the body of the informant, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Kochadhaman P.S. Case No. 335 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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